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South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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Legislative Update

The Week in the House

Background: The Week of 5.12

House Rule 5.12 sets a time limit on introducing legislation into the General Assembly. Bills have to be filed prior to April 15 in the House to receive consideration. This rule can be waived, but it represents a definite barrier to getting bills into the hopper.

So it was that on Tuesday, April 14, the House saw a large number of bills receive their introductions. In fact, the major part of the House Journal for that date is taken up with the bills introduced. Still, the House managed to get around to some other, and frequently substantial, action during the week, including setting and settling several bills on special order.

Honors and recognitions

The United Way is celebrating its centennial this year, and H.2887 (Rep. Rudnick and many others) is a concurrent resolution recognizing the organization; it was agreed to by the House and Senate on Tuesday.

Speed limits

On Tuesday the House considered H.2524 (Rep. Haskins and others) relating to speed limits: this bill would raise the limit from 55 miles per hour to 65 on appropriate sections of the interstates. This action is in line with the recently-passed and veto-overridden federal highway bill. The bill was given second reading on Wednesday, but enough objections were placed on the bill on Thursday to keep the measure in the House for a time. Later that day, however, the measure came up for final reading and zoomed over to the Senate.

Special order: driving with a suspended license

S.89 is a measure which would make the penalties tougher for driving with a suspended or revoked license. The House set the bill

for special order Wednesday morning, and shortly after went to work on it, sticking with the debate until the afternoon.

Repeat offenders caught driving under suspension are prime targets of the measure, but first offenders would also have their fines increased from \$100 to \$200; the jail term of 30 days would remain the same. Second offenders would face no increase in the fine (set at \$500) but the jail term would be a flat 60 days—to be served consecutively. Third time offenders would be put away for between 90 days to six months, and there would be no suspended sentences allowed.

The House amended the bill to provide set penalties for a person whose license had been suspended because of DUI convictions—but who still was caught out on the highway. For the first offense, a 10 to 30 day jail term; for a second offense, 60 days to six months; and for a third and subsequent offense, "not less than six months nor more than three years."

Special order: obscenity

H.2072 (Rep. Fair and many others) was next on the special order list. This bill would tighten up the standards and punishment for obscenity in the state. The bill pays special attention to the problem of child pornography and distribution of pornography to minors; it also allows the confiscation of materials used in production or display of matter determined to be obscene.

The House gave second reading to this bill on Wednesday, and third reading on Thursday. It is now in the Senate.

Special order: shrimp baiting

Next in line was H.2742 (Agriculture and Natural Resources Committee). This is a measure which deals with "shrimp baiting," or the practice of placing some substance—such as dog food—along creek bottoms to attack shrimp. H.2742 puts restrictions on when, where and how often this can be done, and sets limits on the shrimp catch allowed by persons.

First, the season for shrimp baiting is set at 45 days. Next, persons must purchase permits and pole tags to use in their baiting. The cost to South Carolina residents is \$25; non-residents must pay \$100. A limit of five poles was set by the bill, along with a limit of 48 quarts of whole shrimp or 29 quarts of headed shrimp—this would be per set of five poles per day.

Violators of these laws could be fined, and could even have their equipment—coolers, boats, trailers—seized by the state.

This bill was also passed on second reading by the House Wednesday afternoon, and on Wednesday it received its final vote in

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the House and set sail for the Senate. A similar bill has been discussed in the Senate; that measure would set the season limit at 30 days, require neither license to bait nor poles to mark the baited areas. It would, however, have shrimpers work from anchored boats.

Special order: emergency admission to mental health facilities

H.2101 (Rep. P. Harris) concerns emergency admissions to mental health facilities. It permits admission to psychiatric treatment facilities licensed by DHEC as well as by the Department of Mental health. On Thursday, April 16, the measure came up for debate, was amended, and ordered to third reading. The changes in the bill were over the procedures to be used.

Legislation Filed

Background

April 14 was the date by which legislation had to be filed in the House in order to receive consideration during this session of the General Assembly. And, as might be expected, a number of bills were introduced—over a hundred at last count. Several of these bills were "skeleton bills," having a number and a descriptive title, but without the actual language written in.

In this issue of the *Legislative Update* we start a review of the more notable items introduced last week, with periodic efforts to be made to keep the information up to date.

Education

Higher education research (H.2926, Rep. Sheheen). Presently a skeleton bill. As listed, the full title is "To enact the higher education research and advancement act of 1987." Stay tuned for further details.

Special school for science and mathematics (H.2952, Rep. J. Rogers). Right now this legislation is a title, with complete language to be written soon.

Ethics

Members of General Assembly and Public Service Commission (H.2910, House Legislative Ethics Committee). The Committee has proposed a number of bills dealing with various aspects of government ethics. This would prohibit members of the General Assembly from arguing cases before the Public Service Commission and the Insurance Commission.

Use of public employees in elections (H.2914, House Legislative Ethics Committee). This measure would make it illegal to use government personnel, material or property in election campaigns. It would also prohibit the coercion of public employees into donating time or money to a campaign.

As an example of this—from another state, of course—the Long machine in Louisiana was supposed to have regular "contributions" or "tithes" assessed on each public employee in that state. This kept the machine's coffers full, its candidates well financed, and its hold on the state secure.

Political advertisements (H.2917, House Legislative Ethics Committee). Political ads and commercials would have to include the name and address of the person or committee paying for them. Ads sponsored by someone other than the candidate or the candidate's official committee would have to clearly indicate that fact.

Results of political polls (H.2918, House Legislative Ethics Committee). This bill would require persons releasing the results of political polls to provide within 48 hours of the release, certain facts to the Ethics Committee or state Ethics Commission. The information would include: the name of the person who paid for the poll, the name and address of the polling organization, the geographic and demographic nature of the polled population (where and who), the "exact wording of questions" and the sequence in which they were asked, the method and time of the poll, and its results.

Fiscal

Pari-mutuel betting (H.2895, Rep. White; H.2896, Rep. White). The first bill proposes an amendment to the state constitution which would permit pari-mutuel betting to be operated by the state. The second bill is in skeleton form at present, but when fully written would establish the pari-mutuel operations in South Carolina.

Water pollution revolving fund (H.2919, Rep. Hawkins). This bill would create the Water Pollution Revolving Fund, to be administered by DHEC. Money for the fund would come from Federal dollars allocated under the Clean Water Act, state money allocated by the General Assembly, the repayment of loans made through the fund, and earnings on the balance in the fund.

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The revolving fund program would be used by local project sponsors to finance water pollution programs, under fund guidelines established by DHEC. DHEC would have to set up the regulations, establish project guidelines and set loan criteria.

Wine coolers (H.2924, Rep. Sheheen). Defines and includes "wine coolers" among the beverages controlled and taxed by the state, and thanks you for your support.

South Carolina Resources Authority (H.2947, Rep. McAbee). This measure would create the S.C. Resources Authority to "encourage the investment of both public and private funds" and "to make loans and grants available to local governments" for necessary projects. The Authority would be allowed to issue bonds to provide for these grants and loans; the "total principle amount of bonds outstanding at any one time" would be \$50 million. Bonds would be tax free.

In making grants available for local governments, the Authority would establish funding criteria. Applications would be due by March 1, each year. There would be a fifty percent match required on the part of the local governments receiving money from the Authority.

The priority list for projects would have to include the following points: need for regional projects; the extent of development and need for development of projects in a particular area; the need to create jobs and economic development; and the need to alleviate immediate health hazards.

An annual report would be submitted by the Authority to the General Assembly.

Government Operations

One office at a time, please (H.2894, Rep. P. Bradley). This bill would require that a person currently holding an office resign before running for another elective office--if a special election would be needed to fill the office now held.

The State Supreme Court: Election of Judges (H.2921, Rep. Sheheen; H.2922, Rep. Sheheen). The first measure proposes amending the state constitution to provide that the Chief Justice of the Supreme Court is elected from among the sitting judges by the General Assembly. The Chief Justice would serve a four-year term, and could serve more than one term, but not consecutively.

The second measure provides for the method of electing the Chief Justice (viva voce vote of a joint assembly) and the start of his or her term (August 1 after the election).

Health

Dealing in below cost drugs (H.2897, Rep. Davenport). This would forbid hospital pharmacies from selling drugs at or below wholesale price.

Abortion prevention and family responsibility act (H.2935, Rep. Fair). Another bill currently listed only as a descriptive title; more information will be provided in future Updates on this measure.

Marriage licenses and sexually transmitted diseases (H.2937, Rep. Fair). This bill would require persons who have a history of any sexually transmitted disease (including AIDS) to have a laboratory test done and a certificate of being free from such disease at present before a marriage license can be granted to them.

If the tests show the person is not free of the disease, a marriage license must be denied—but, an exception would be made if the proposed spouse of the person files an affidavit stating that he or she is aware of the situation. Persons being refused a license to marry would also have thirty days in which to file an appeal with the family court. The court could determine the person free of disease (or not in a state to transmit the disease) and grant the license.

The bill would further amend existing law so that it would be illegal to get married without first obtaining a physician's certificate that a premarital medical exam has been done.

Highways and Byways

Motor vehicle inspection (H.2928, Rep. Thrailkill). A bill that would set the maximum fine for having an expired motor vehicle inspection sticker at \$15.00. It would also allow drivers a five-day grace period after the expiration date before they could be cited.

Driver's license renewal: 65 and old (H.2936, Rep. Fair). The title says it would "require persons sixty-five and over to demonstrate driving efficiency when renewing a driver's license." Details to be announced later.

Justice and Law

Law Enforcement Training Council (H.2923, Rep. Wilkins). This bill would make various changes in the operation of the Training Council, including spelling out that Corrections Department personnel are to be trained by the Department, and that law enforcement officers in South Carolina would have to be certified as trained by the Council before they could actually enforce the law in the state.

Fair housing law (H.2925, Rep. Washington). This bill would create the South Carolina Fair Housing Law, to prevent discrimination in the sale or rental of houses and apartments. It would make it illegal to refuse to sell or rent to persons because of race, color, religion, sex, handicap or national origin. It would also be illegal to engage in certain actions—such as pretending that housing was not available, or refusing loans or insurance—based on those reasons.

Persons who felt that they had been discriminated against in a housing matter could file a complaint with the State Human Affairs Commission, which would look into the matter. The Commission would have subpoena authority during its investigation.

If the Commission's investigation turned up discriminatory practices as defined by the law, then it would try to reconcile the parties on a voluntary basis. Failing that, it could institute a civil action.

The bill would not cover dwellings which are occupied by no more than four families, and where the owner actually lives in one of the living quarters. Similar exemptions are made for religious organizations and certain dormitories.

Prisoners paying their own way (H.2938, Rep. Fair). That seems to be the gist of this bill, now only a title, which reads: "To provide that a charge for maintenance, care and services be levied against prisoners housed in the Department of Corrections."

Guardian ad litem program (H.2945, Rep. Evatt). This measure would create the South Carolina Guardian ad Litem program to provide training and supervision to the persons appointed by courts to look after the interests of children involved in abuse and neglect cases.

The bill creates a Program Advisory Board with nine members. These would be the following persons, or their designees: Chair of the Joint Legislative Committee on Children; Chair of the Ways and Means Committee; Chair of the Senate Finance Committee; State Commissioner of DSS; President of the State Council of Family Court Judges; two Family Court judges appointed by the Chief Justice; and a private attorney who practices family or domestic law, appointed by the Chair of the Joint Legislative Committee on Children.

The bill would provide that persons who participate in the training program would be exempt from civil damage suits from their activities as guardians ad litem, provided they were not guilty of gross negligence.

Paint

Repeal the paint law (H.2948, Rep. Pearce). This bill would repeal Chapter 45 of Title 39—the "South Carolina Paint Law." The paint law says that its purpose is "to prevent deception in the sale of paint, paint oil and turpentine."

Editorial Comment on the Legislature (Part Three)

Background

During the last of February and most of March, South Carolina editors spent much of their time and newsprint discussing the proposed General Appropriation bill, and making suggestions on improvements in the state's budget process. They also found opportunity to look into some other matters concerning the Legislature, however. A brief review of the editorial musings in South Carolina follows.

The Budget, round one: before the storm

The editorial comment got off to a surprisingly good start with the *State* and the *Orangeburg Times and Democrat* praising members of the House Ways and Means Committee for their approach to the appropriation bill.

In an editorial entitled "Thankless legislators," the *State* noted what a difficult task it is to serve in the General Assembly, "particularly in these days of tight money." The paper noted that while the first draft of the budget had not even been completed, complaints were arising from a number of state agencies—hoping to elude almost certain cuts. "The legislators will have to decide the merits of the pleas of 140 agencies when they cut up the budget pie. It is a thankless job—but it is what they were elected to do."

In a similar vein, the *Times and Democrat* decided that state revenues were scarce and that the budget had to be lean as well. "If it takes a budget as tight as the one endorsed by Ways and Means, so be it. Tight budgeting is better than midyear cutbacks....If the money is not there, the state can't spend it. It is as simple as that."

The Budget, Round two: in the committee

Within a couple of weeks, however, the editors around the state had voted to reconsider their approval of the committee draft of the appropriation bill.

"Committee binge kills gutty budget proposal," the *State* said, making its opinion clear. It went on to describe how it saw the committee's process in writing a budget: "They quickly backed and

filled, bloated the budget, dipped into the state's capital reserve fund and slung in a few new taxes before trudging home for the weekend Friday. Their performance will not net them any medals."

The *Greenville News* took an equally disapproving view of the committee, in its editorial headlined "State budget writers fell off the wagon." In a charming arrangement of mixed metaphors, the *News* explained that "after a month and a half of wringing hands with each other and rubbing shoulders with special pleaders for the state agencies, a majority of the committee fell off the wagon" by allocating too much money in the draft version. The *News* attributed this fall from fiscal grace to the "selling job several of the state agencies" mounted on the committee members, and it hoped the Speaker would send the budget back to committee as being out of order.

If the committee wasn't killing gutty proposals or falling off the wagon, it was tripping on hard choices—at least according to the *Florence Morning News*. That paper said that the committee started out on the right foot, determined to hold the budget in line. But then—"after a month of hearing state agencies' budget requests and special interest money pleas, all that fell by the wayside. When push came to shove, committee members stumbled on the hard choices and dispatched a budget they knew to be unacceptable."

The *Charleston Evening Post* likewise found the committee's budget version unacceptable, saying that "no real thought was given to zero-based budgeting or to some hard-nosed decisions about programs we can all live without." (The programs were unspecified by the *Evening Post*.)

Finally, the *Columbia Record* advocated changes in future budget drafting. Specifically, it said that the General Assembly should adopt "as permanent law a requirement that one year's appropriations not exceed actual revenues of the previous year."

The Budget, round three: in the House

By this time—mid-March—the General Appropriation bill was in the hands of House members, and in the minds of the state's newspaper editors. Most, it seemed, were viewing proceedings with a distinctly jaundiced eye.

"Business as usual on the House's budget," said the *Greenville News*. Why? Mainly because "This budget was put together not only to maintain essential state services, which it largely does, but also to protect the state government bureaucracy as though all its parts represent cherished South Carolina values. It's a business as usual budget the full House is asked to rubberstamp as usual."

The *News* considered the Appropriation bill in another editorial that laid into the "House's big spenders" for wanting "\$60

million more." In this editorial, the Greenville paper said the House was "debating the wrong thing Faced with too little revenue to continue funding state agencies at the expansion levels approved last year, the House is debating which taxes to raise by how much."

"When a state budget is compiled by making all previously approved programs sacred, and by adding to them periodically and cutting them never, the result is bound to be a revenue hungry organism," the News said.

Harsh words, perhaps, but echoed by the Spartanburg *Herald-Journal* which headlined its editorial: "State budget mish-mash." It had dubious prognostications about the fate of the House bill: "...the House must approve a budget with some expectation of general concurrence by the Senate. Right now, such an achievement seems remote."

The budget, round four: guarded approval

The House approved the appropriation bill during an unusual, five-day legislative week starting March 16. Most of the editorials commenting on the budget have not reached the House Research office by the time this *Update* went to press. However, one editorial from the *Columbia Record* has arrived. After all the shouting and tumult (not to mention the sound and the fury) of the press, the *Record* was generally approving of the House's actions.

"All things considered, the \$3.1 billion budget approved last week by the South Carolina House of Representatives is a commendable piece of work, a testament to the lawmakers' willingness to face up to fiscal reality and to make reasoned, tough decisions with dispatch."

The *Record* endorsed Speaker Sheheen's assessment of the House: "I think we did ourselves proud." It concluded, "The House-approved spending bill has its flaws. But, given the austere economic exigencies, it is a solid, responsible effort."

Fiscal reforms needed

The budget battles quickened the impulse of newspaper editors to encourage—even demand—reforms in the state's fiscal process. The Spartanburg *Herald-Journal* said the "utter fragility of South Carolina's budgeting process" was a "Mandate for budget reform." The paper endorsed the calls to have the Board of Economic Advisors present a final budget projection by February 15, allowing only for reductions after that.

The Anderson *Independent-Mail* also wanted budget reform, and cautioned against despair. "The way to go is to take reform one step at a time, building consensus at each step before going on to

the next. So what is the next logical step?" the paper asked. Its answer: "So a rational budget process would evaluate the tradeoffs between keeping old programs or adding new ones."

But (one might ask) how are such evaluations to be made? The Anderson *Independent-Mail* gives this reply: "We do not know how the process might be changed to evaluate such tradeoffs. We do not need to consider that until we agree that evaluating these tradeoffs is desirable. Once that is agreed upon as a goal, we may discover there are several ways to make the evaluations."

OK. Glad you cleared that one up.

Local government finance powers

Four newspapers printed editorials favoring the measure to grant local governments greater powers to levy taxes. The Spartanburg *Herald-Journal* said that it was "Time for local authority," and that "Home Rule will not be complete until the shackles of state power are removed from purely local financial decision making."

The Charleston *Evening Post* also supported the move, praising Rep. Herb Kirsh for his tenacious advocacy of the measure. It concluded that "Virtually no one is going to applaud more taxes. But if more money is required to maintain governmental services at a satisfactory level, and if some of the tax load is to be redistributed to give property owners a needed break, a true local option bill would offer citizens a voice and a choice."

Both the Newberry *Observer* and the Columbia *Record* supported the measure. Both papers noted (as did the *Post*) that new taxes might be unpopular, but also necessary. "The finance bill would give local governments much-needed options for balancing their ledgers," the *Record* said.

The Education Improvement Act

During discussion of the General Appropriation Bill in the House, a good deal of the debate was on the subject of pay for teachers—especially the two topics of keeping our state's pay at the Southeastern average, and providing for merit pay plans. Several newspapers noted and commented on these issues.

As far as keeping up with the Southeastern average, some papers thought it just couldn't be done, given the present economic situation—or perhaps in any economic situation. The Charleston *Evening Post* said that teacher pay in South Carolina had gone up 25 percent in three years, matching the regional average for the first time in decades. However—"Keeping up with the neighbors has evolved into a contest that could prove endless except for one consideration: practicality." The paper said it was "hardly realistic" for South Carolina to try to keep up with what it termed "richer states."

The Rock Hill Evening Herald was in considerable agreement with the Post. After reaffirming its support for a decent teacher pay program, the paper said that, "The painful truth, however, is that this state can't afford to continue providing such sizeable, automatic pay raises for teachers every year." And the Evening Herald said teacher pay should not be at the expense of other, necessary parts of the EIA: "It's certainly desirable for South Carolina to have a goal of keeping its teacher salaries competitive with those offered in neighboring states. But the effort to attain that goal can't be allowed to thwart other, important provisions of the Education Improvement Act. A lock step, automatic approach to increasing teacher pay will be counterproductive if it forces the state to cut back its funding for remedial instruction of students, for example."

Almost the same term—"desirable goal"—was used by the Florence Morning News when discussing teacher pay. Yes, said the Pee Dee paper, "bringing the pay of teachers in South Carolina public schools up to the Southeastern average" is a "desirable goal." But....

"But the penny increase in sales tax added to pay for the several programs mandated by the state's nationally acclaimed Education Improvement Act is not bringing in enough revenue to fund everything envisioned in the EIA....Teachers must be paid well to attract bright people into the profession and keep them there. But other elements of the EIA, such as remedial programs and those for the gifted and talented, must not be sacrificed."

Pulling no punches the Greenville News headlined its editorial on the matter: "Teacher pay hikes threaten rest of EIA." The gist of the essay was that supporters of educational reform "risk shackling that reform by demanding the state continue its open-ended commitment to keeping teacher pay at the Southeastern average." The conclusion was that "South Carolina cannot afford to keep tying a finite funding source to so open-ended an expenditure. State lawmakers—and EIA supporters—must face that fact or risk crippling the EIA in the future."

Teacher incentive pay also caused discussion, both in the House and in the press. The Florence Morning News was against the provision, saying that teacher merit pay programs have not worked elsewhere, and that states have "backed off when merit pay plans proved unworkable, unfair, controversial and incapable of accomplishing the worthy objective of rewarding truly superior teachers and genuinely elevating teacher quality."

The Florence editorial concluded that it would be "foolish for South Carolina to pour money into flawed incentive programs while the EIA building fund remains dry and needed physical plant for other EIA-mandated programs go unprovided."

Taking a contrary view, however, the Charleston News and Courier approved the incentive pay plan and congratulated the House on its actions in retaining it: "The SC House indicated it had some of its priorities in order by voting last week not to siphon off Educational Improvement Act funds earmarked for teacher incentive pay and programs for gifted-and-talented children and spend them on school construction."

The Charleston editors defended their stand: "There will be no improvement in state schools if construction programs are given top priority. There will be no improvement if all teachers continue to receive automatic pay raises in line with the Southeastern average pay scale for educators. Teachers should be paid according to merit."

And finally, the Myrtle Beach Sun News simply said, "Keep EIA intact for another year." It supported keeping the funds going to their present allocations—including merit pay, and teacher raises, if necessary at the expense of the building fund.

It did note, however, that "for 1988-89, some hard choices will have to be made, short of a tax increase....This is not the year to rob Peter to pay Paul, but next year's another story for which the script has to be written soon."

Statewide grand jury prompts editorial comment

The proposal by Attorney General Travis Medlock to create statewide grand juries capable of dealing with multi-county offenses such as drug trafficking brought comment from a trio of papers. Two favored the plan; the third was not as clear in its judgment.

The Orangeburg Times and Democrat repeated the AG's arguments about the need for the statewide approach, and predicted that voters would approve the change in the state constitution. Said the T&D, "The OK can't come a moment too soon."

Across the broad and muddy Savannah River the Augusta Chronicle-Herald also supported the state-wide approach. "Statewide grand juries have proved their worth in several states, including Virginia, Florida and Pennsylvania," the paper said. In addition, "they pay for themselves out of money confiscated from illegal drug profits." Noting that the idea had been rejected in the Peach State, the paper concluded, "South Carolina should not make the same mistake Georgia did."

The Greenville News-Piedmont, on the other hand, seemed uncertain whether it favored or opposed the proposed changes. After reviewing the reasons for the statewide grand juries, and noting the safeguards to constitutional rights that the Attorney General says would be in place, the Greenville paper was still dubious: "Details as to scope of the new authority and the checks against its abuse

presumably would be spelled out in carefully drawn legislation. Even so, this is clearly one of the most sweeping requests for expanded police power ever proposed in this state....It puts a heavy burden on the General Assembly to weigh this request carefully before putting it to a popular vote."

Elsewhere on the crime and punishment beat

In other, assorted matters, newspapers supported the Chief Justice in advising caution on changing the death penalty statutes; favored broader testing powers for law enforcement for DUI cases; and approved a measure toughening the law against "chop shops."

The Spartanburg *Herald-Journal* observed that several bills were before the House and Senate to change the way the death penalty would be imposed in South Carolina. The paper rejected them, saying "Tampering with a capital punishment code which is now acceptable to the US Supreme Court runs the risk of extended delays by appeals and ultimate rejection. Present law is working as well as can be reasonably expected. Leave it as it is."

The Charleston *Evening Post* ran an editorial called "A promising bill" which would allow broader powers in ordering blood and urine tests in suspected DUI cases. Dismissing fears that such changes might lead to infringements upon constitutional rights, the paper concluded "If such authority can be granted in 45 other states without impinging on citizens' rights, it is logical to conclude it can be granted in South Carolina."

The Spartanburg *Herald-Journal* went once more into the breach to endorse the measure sponsored by Rep. McLellan which would enact stiff penalties for operating "chop shops." Said the *Herald-Journal*: "Stealing automobiles--sometimes even tractor-trailers--for altering or reducing to spare parts in 'chop shops' is one of the most disgusting of crimes against property."

Obviously aroused, the editorial writer favorably quoted Chairman McLellan's comment that "Stealing a car is one thing, but we're talking about something that goes way beyond that." In support the writer concluded, "You said it, man!"

The environment: retreat from the coast?

The pressing environmental issue during February and March was the coast--and the report issued by the Blue Ribbon Committee on Beachfront Management.

The basic outline of the report and its recommendations were discussed by the State in its editorial entitled "Beach study offers good draft for debate." After listing the proposals, the editorial scored a coup in understatement by saying that "they would be hotly debated..."

The Charleston *Post-Courier* supported the recommendations of the Committee, and urged the General Assembly to fall in line: "Let's hope the Legislature wastes no time in reviewing the blue ribbon committee's report and approving legislation this year that would not only protect what's left of the overdeveloped shoreline but also straighten out the beachfront development mess that already exists."

The *Coastal Observer* (Pawleys Island) agreed, saying the "Legislature must adopt guidelines," specifically those calling for a "retreat" from the ocean. The paper said the recommendations were "the most important development along the South Carolina coast since rice planters decided it was preferable to spend summers on the ocean rather than in the swamps."

Another island paper, the *Island Packet* of Hilton Head, also maintained that "beachfront retreat should be new policy," mainly because there was no realistic alternative. "Any opponents of a long-term retreat plan," the paper said, "are obligated to come up with something better." Referring to seawalls, concrete, rocks or other "armor" often (and unsuccessfully) used to protect beachfront developments, the paper concluded that "Rocky shores, by the way, do not qualify as 'better.'"

And the Greenville *News-Piedmont* said that the "Coast needs protection from current exploiters." It spoke out sternly: "Private developers have misused their freedom to encroach upon this state's beaches, hastening their erosion. The state's responsibility is to protect the beaches as a public resource with such sensible rule making as the blue ribbon committee has proposed."

The *News-Piedmont* noted that objections would be raised from the developers, but it held its line: "But the Legislature must realize—as the study committee already has—that beaches, not private construction projects which exploit the beaches, are what the state has a duty to protect."

Highways: where's the pork?

The plan by the Highway Department to spend \$2.1 billion on road improvement in South Carolina brought editorials con and pro.

The Greenville twins, the *Piedmont* and the *News-Piedmont*, expressed reservations about the idea. "Gas tax would help fund fat highway plan," the *News-Piedmont* titled its editorial, and it wasn't impressed with the project. "The proposed package is expensive, but worse, it's based on political patronage and the unproven theory that all that's needed to lure industry to any rural area in the state is a four-lane highway."

"Highway package tries to please everybody," the compatriot *Piedmont* warned. "This proposal might make a lot of folks happy," it said, "but political expediency should not rule government policy." The editorial took the Highway Department to task: "Instead of using their position to educate other legislators and the general public, they use them [sic] to placate a Legislature that loves the taste of pork."

On a positive note, however, the *Abbeville Press and Banner* called "indeed a bold step in an effort to solve the transportation needs of South Carolina." As far as the proposed tax increase: "The suggested increase in gasoline tax is in our view the only fair way to underwrite the cost of this program. It places the burden directly on the highway user and in proportion to his individual use."

Tort reform: Make up your mind

The bill changing South Carolina's civil action (tort claim) procedures traveled through the House so quickly it left some editors uncertain how to respond. A case in point: the *Florence Morning News*.

On March 12 the *News* published an editorial entitled "Tort reform: smoother sailing than expected." The paper noted that a fierce battle had been predicted in the House, but none had arisen. "That doesn't mean it [the bill] is home free, but it does indicate strong support in the Legislature for significant changes in the way civil lawsuits are handled in state courts."

Explaining this ease of passage, the paper said "The House-passed bill walks a middle road of tort reform, which no doubt accounts for it getting through the House virtually unscathed." The editorial recounted the major provisions of the bill, and noted—almost in passing—that some issues remained unresolved: "The legislation bypasses some thornier tort reform issues such as caps on lawyer fees and limits on non-economic damage, probably not because they aren't worthy of attention but because their inclusion might have derailed reform legislation entirely."

So spoke the *Morning News* on Thursday, March 12. Ten days later, on Sunday, March 22, came the second editorial.

This one was entitled "Tort reform package needs expanding," and the newspaper now took a more skeptical view of the legislation: "the House bill does tiptoe lightly over the interests of those who make their living from lawsuits, plaintiff lawyers. That is to say, the plaintiff lawyers came out very well, thank you."

While admitting—as it had the week before—that the House bill has "other praiseworthy features," the *News* now was worried that the measure "deals not at all with several reforms recommended by

the South Carolina Civil Justice Coalition, a group representing 42 business and professional associations that spent six months developing and promoting a list of reforms."

Now that the News was leaning more in support of these proposed reforms, it made several comments unfavorable to those opposing them--especially some trial lawyers. "It sounds good to say, as plaintiff lawyers do, that the present system looks after the little people Nobody wants to take away the victim's right to fair compensation for injury and damage resulting from another's negligence or wrongful act. But a better balance is needed."

Well, as the man said, you pay your money and you take your choice.

Where can you hold a political convention?

According to present law, political parties in this state must hold their political conventions in Columbia. A measure has come up to change that requirement--and editors in the state generally agree the change in the law is a good idea, even if some think a change in location is not needed.

The Charleston *Evening Post* says, "why not let the parties decide for themselves? If the delegates would rather stay in Columbia than come to Charleston or go to Myrtle Beach for the biennial gatherings, they won't be shy about letting their leaders know."

The *Augusta Chronicle* said "There are few laws sillier than the one in South Carolina that requires political parties to hold their state conventions within the city of Columbia." Unable to resist, the out-of-state editorial concluded with a non-too-subtle swipe:

"The only thing to be said about all this is that it's amazing party leaders weren't free to make these choices [about convention sites] long ago. Why it's almost enough to make you wonder if the legislators trust the politicians to make wise choices. Perhaps it's just as well if we don't get into that."

Finally the State agreed that the "law shouldn't dictate state convention sites," and even admitted that "it appears this law will be changed, as it should be." Still, the editors defiantly defended their home city: "Indeed, the Capital City is the ideal spot for both parties to ponder and party. Centrally located, it's the home of the General Assembly and it boasts excellent convention facilities."

In the legislature: shorter sessions and longer pants

Two issues which grabbed the attention of editorial writers during February and March were shorter sessions for the General Assembly and slacks on women in the House Chamber. The editors were in favor of both.

A number of papers were lined up behind the proposal by the special joint committee designed to streamline the work of the Legislature. The *Spartanburg Herald-Journal* called it a "logical legislative plan," and said that with the plan in place—along with reforms of the budget process—"the General Assembly would become much more efficient and effective."

The *Beaufort Gazette* also supported the idea, saying that of all the plans to make the legislature more efficient, "none of them are better than an attempt to shorten the legislative session. The theory in the last idea is that if lawmakers aren't in session in Columbia they can't make any laws, saving taxpayers money on several counts."

The *Anderson Independent-Mail* and the *Chester News and Reporter* also like the committee's idea, the first paper saying the plan was a "good idea," the second hailing the committee for being "on target." The *Anderson* paper brought up an interesting point when it said a shorter session "might even diversify the legislature more, because now a member almost has to be unemployed, self-employed or retired to be able to handle the second job."

The *Chester* editorial called the shorter sessions an idea "long over due," and noted that "The first five years of this decade produced longer legislative sessions, averaging about 105 days, which to our thinking only adds to the skyrocketing costs of government."

That sentiment was echoed by the *Charleston Evening Post*, which was in favor of shorter sessions for two reasons: first, the less time lawmakers spent in Columbia, the less money would be needed. Second, because "there would be a far better chance of attracting and keeping the kind of busy, successful citizens the legislature so badly needs were the sessions guaranteed not to take them away from home more than three months a year. The last thing the General Assembly needs is more and more members who have nothing better to do than hang around the Statehouse all year."

Slacks in the House

When the House rules were amended at the start of the session to require female pages and guests to wear skirts or dresses, the newspapers took notice. After all, they can't spend all their time telling the General Assembly how to balance the budget or run the state. When the House amended its rules a second time to allow pants suits and slacks for women, several papers thought it worth a mention.

The *Times* and *Democrat* noted that in a week when the House considered changes in tort reform and bingo laws that, "not to be forgotten, however, should be the members' decisions about how they should dress."

The *State* explained the original reason for the House action, and the comments that action aroused: "Although the House was concerned about decorum and not fashion, it was ridiculed and drew derisive letters to newspapers from citizens who wondered why their legislators weren't dealing with really serious matters of state." The editorial concluded, "We commend the House and Mrs. Toal [Chair of the Rules Committee] for their act of contrition. Female state employees can relax: the House of Representatives isn't going to be the government's fashion arbiter."

The *Florence Morning News* took note of the rule change by saying that "In the credit-where-credit-is-due department, give a little—but not too much—to the state House of Representatives for legalizing pants once again for women in the House chamber proper and the visitors gallery."

Freedom of information: who makes the salaries?

First, the "Freedom of Information Act," as it relates to state government—especially salaries. Newspapers in South Carolina are in favor of it. They want it to be stronger. Every time the act is skirted or slighted, they get upset and publish editorials about it. When a Senate committee held a closed-door meeting to discuss changes in the FOIA, there were numerous editorials pointing out the irony (and the danger) of this.

When the House-passed version of the revised FOIA reached the Senate, there was talk of making it stronger—that is, revealing more information, especially about salaries. The newspapers were in favor of this; so was the South Carolina Press Association.

The *Columbia Record* quoted the head of the SCPA: "As SCPA President Glenn Tucker pointed out, 'The press association has viewed it as a public bill, not a press bill. It makes much needed reforms and allows the public greater access to elected officials and public records.'"

The *Lancaster News* also quoted Mr. Tucker, when the Senate moved to strengthen the FOIA: "It's a victory not only for newspapers but for all of South Carolina." Said the *News*, "Tucker is right on the money."

Freedom of information: who writes the editorials?

Newspapers in South Carolina are strongly in favor of the First Amendment to the Constitution, which can be paraphrased roughly as: "Congress shall make no law abridging the freedom of the press, or

requiring newspapers to print signed editorials." When a bill was introduced into the House by Rep. Davenport to have editorials signed by their authors, there was a quick response from the fourth estate.

With striking unanimity, the papers made the point that editorials were not the view of a single writer, but the newspaper itself. "Nowadays, editorials are considered to be the views of the newspaper—an institutional view not just the opinion of an individual," wrote the *Florence Morning News*. "Editorials present the institutional opinion of the newspaper," agreed the *State*. And the *Times and Democrat* of Orangeburg claimed that "editorials in this newspaper and most others are signed—not with an individual's name but with the newspaper's name. Editorials appearing underneath the mast of the newspaper are the opinion of the newspaper...."

And all editorials on the subject agreed that the proposed bill was in violation of the First Amendment. "We know that thin-skinned politicians often think what newspapers say about them is a crime, but it is part of a great American game whose rules are sketched in the First Amendment," said the *State*.

The *Times and Democrat* quoted the publisher of the *Spartanburg Herald-Journal* as saying that the proposed bill "fails to consider the right of a newspaper to publish its opinion without governmental interference."

And the *Florence Morning News* concluded that "laws requiring that all editorials be signed is another matter. That treads rather heavily on First Amendment guarantees against government intruding into the activities of the press."

Conclusion—draw your own

One particular editorial item might be of special interest to House members: an editorial in the *Columbia Record* comparing our Legislature and its 1987 session so far to the Georgia General Assembly and its actions.

The editorial said, "We never ceased to be amazed—and impressed—with the annual performance of the Georgia Legislature." Pointing out that the Georgia assembly had completed its work within its 40-day limit, the *Record* noted that, "By all accounts, it was an extraordinarily productive session" The editorial continued by listing purported accomplishments of the Georgia legislators.

However, a quick review of columns and editorials in the *Atlanta Journal and Constitution* turned up such headlines as "So-so Assembly leaves veto bait", "Legislature of '87 vies for title of 'worst ever'" and "Legislature did quite a lot, but not for

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consumers." One Georgia editorial writer concluded, "When it was over, the Legislature had done a lot and had spent a lot but, frankly, we don't feel much better for their efforts." Members of the South Carolina House are encouraged to draw their own conclusions.

So ran editorial comment for the recent past. A further review will be provided in May.